



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D.C. 20590

20433

49 CFR Parts 173, 179

Shippers—General Requirements for Shipments and Packaging; Specifications for Tank Cars; Marking of Tank Car Tanks 179-25
Dkt. HM-170; Amdt. 173-128,
AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, D.O.T.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to place all of the requirements in Parts 172 and 173 of Title 49 for the marking of tank car tanks with the proper shipping name or the authorized common name. The regulations provide, in most cases, that tank car tanks transporting certain materials be marked in accordance with the requirements of § 172.330. However, the marking requirements in several sections of Parts 173 and 179 are conflicting and place the burden of compliance with the requirements on both the shipper and the tank car builder. This change ensures that the responsibility for these particular marking requirements will be uniform and will rest with the shipper and not the tank car builder.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION: The marking of tank car tanks has been a subject which was addressed a number of years ago. Based on observations during accident situations and on recommendations from fire, safety, and police personnel, the Department determined that markings on tank car tanks with regard to specific commodity descriptions, letter heights, stroke size, letter spacing and background color contrasts were not adequate. Therefore, a notice of proposed rulemaking covering marking of tank car tanks was published in the *Federal Register* under Docket HM-101 (37 FR 7104, April 8, 1972). The provisions of this notice were eventually incorporated and expanded in another notice of proposed rulemaking published as Docket HM-103 (38 FR 3164, January 24, 1974).

Subsequently, the proposals in this latest notice were adopted as final rules under Docket HM-103/112 (41 FR 15972, April 15, 1976). Under these final rules

the marking requirements became standardized, particularly for tank car tanks; however, there were a number of sections in the regulations which continued to require the obsolete tank car tank markings. These sections were inadvertently overlooked when the final rules to Docket HM-103/112 were published. The changes in this document will correct that oversight.

The only sections in Part 173 which require the marking of tank car tanks with the name of the material being shipped and have no cross reference to § 172.330 are Sections 173.183(a)(2) and 173.336(a)(4). Therefore, these sections are being amended by deleting the sentences referring to stenciling requirements and substituting language with reference to marking requirements in accordance with § 172.330. In addition, the reference for the requirements for stenciling the name of material being transported on tanks is being deleted from §§ 179.102-2(a)(5), 179.102-8(a)(1), 179.102-9(a)(1), 179.102-10(a)(1), 179.102-12(a)(1), 179.102-14, 179.202-4(a), 179.202-15, and 179.202-18(a)(1). All of the references deleted from Part 179 are presently contained in Part 173.

These amendments are editorial changes to the present regulations. They neither impose new requirements nor relax existing requirements and are not expected to impose any additional costs or burdens to the public, industry or government, or to have any environmental or economic impact.

The primary drafters of this document are R. W. Folden, Office of Safety, Federal Railroad Administration, Joseph T. Horning, Standards Division, Office of Hazardous Materials Regulation, and Evan Braude, Office of Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 173 and 179 are amended as follows:

1. In § 173.183 paragraph (a)(2) is amended by revising the last sentence to read as follows:

§ 173.183 Potassium nitrate mixed (fused) with sodium nitrite.

(a) * * *

(2) * * * Each tank car must be marked "Fused Potassium Nitrate and Sodium Nitrite" in accordance with the requirements of § 172.330 of this subchapter.

2. In § 173.336 paragraph (a)(4) is revised to read as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) * * *

(4) Specification 105A500W (§§ 179.100, 179.101 of this subchapter) tank cars. Authorized for nitrogen tetroxide only. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings must be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, must be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Each tank car must be marked "NITROGEN TETROXIDE" in accordance with the requirements of § 172.330 of this subchapter. Written procedures covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection and testing practices, must be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide.

3. § 179.102 is amended by deleting paragraph (a)(5) in § 179.102-2; paragraph (a)(1) is revised in §§ 179.102-8, 179.102-9, 179.102-10 and 179.102-12; 179.102-14 is revised to read as follows:

§ 179.102 Special commodity requirements for pressure tanks.

§ 179.102-2 Chlorine.

(a) * * *

(5) Deleted.

§ 179.102-8 Motor fuel anti-knock compound.

(a) * * *

(1) Openings in tank heads to facilitate application of nickel lining are authorized if closed in an approved manner.

§ 179.102-9 Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures.

(a) * * *

(1) Tanks must be insulated with not less than four inches of corkboard. All valves and fittings must be protected by the securely attached cover made of metal not subject to rapid deterioration by the lading, and all valve openings, except the safety relief valves, must be fitted with screw plugs or caps to

prevent leakage in the event of valve failure. Safety relief valve must be equipped with an approved stainless steel or platinum frangible disc. Written procedures covering details of tank car appurtenances, manway fittings and safety relief devices, and marking, loading, handling, inspection and testing practices, must be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of these commodities.

§ 179.102-10 Hydrocyanic acid.

(a) * * *

(1) Each tank car must be registered and the jacket stenciled "DOT-105A300W" and be equipped with the safety relief valves required by that specification. Tanks must be insulated with not less than four inches of corkboard. Written procedures covering details of tank car appurtenances, manway fittings and safety relief devices, and marking, loading, handling, inspection and testing practices must be

filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid.

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§ 179.102-12 Ethylene oxide.

(a) * * *

(1) The tank must be constructed in accordance with DOT-105A ***W specification, and its jacket stenciled "DOT-105A100W."

* * * * *

§ 179.102-14 Acrolein inhibited.

Each tank car used to transport acrolein, inhibited, must be a Specification DOT-105A300W or higher rated tank, registered and the jacket stenciled "DOT-105A200W" and be equipped with the safety relief valve required by that specification.

4. § 179.202 is amended by deleting the last sentence in § 179.202-4; § 179.202-15 and paragraph (a)(1) in § 179.202-18 are revised to read as follows:

§ 179.202 Special commodity

requirements for non-pressure car tanks.

* * * * *

§ 179.202-15 Formic acid and formic acid solutions.

If a Specification DOT-103EW tank car tank is used, it must be fabricated from Type 316 stainless steel.

§ 179.202-18 Ethylene oxide.

(a) * * *

(1) The tank must be constructed in accordance with the DOT-111A100W4 specification.

* * * * *

Authority: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53.

NOTE.—The Materials Transportation Bureau has determined that this amendment will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C. on March 27, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

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